**From:** Radu Filip
**To:** Microsoft ATR
**Date:** 1/23/02 6:07pm
**Subject:** Microsoft Settlement

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My name is Radu Filip, and I'm working for a dot-com company located in US and I would like to express my opinion about the anti-trust case against Microsoft and about the proposed settlement.

Like many other peoples, I'm concerning about monopoly held by Microsoft in desktop software and they way they behave in doing business. Concrete, as an end-user and as person involved every day with IT world, I have "problems" with the following issues, that comes from Microsoft monopoly.

For each problem I will address bellow, I'll explain it shortly, I'll try to give and example, I'll try to suggest a remedy and explain how it can prevent further monopoly situation.

(1) Closed file formats

No one has the right to make me "hostage" of their software. No matter what product I'm using, I should be able to either buy nother product or to develop my own one in-house that should be able to work with the files made with the old product.

For example, if I'm using Microsoft Office and I create with it a lot of documents or spreadsheet files, I should be able to quit anytime using Microsoft Office if I want, in favour of StarOffice, for example, and continue to use the documents and spreadsheets I have been created.

In order to do this, the specifications regarding the format (how data are recorded into files) of my documents and spreadsheets must be freely available so that other programs be able to interpret these documents.

This openening of sepecifications should apply to all kind of files, made by various applications, not only by Microsoft one. Companies can compete by developing products with various features, not by making their users hotages. Users should be able to interchange data anytime they wish, no matter what programs we're using.

A goo dexample for this one is the web, where various web servers that runs on a multiple types of computers and operating systems, are serving various web browsers (Netscape, Internet Explorer, Opera, Konqueror, etc.) that also runs on mutiple platforms. This is possible because the format of web pages of freely available, as well as te way (the protocol) the browsers and servers are using in order to deliver these pages. Any webmaster can choose any websever he wish, and any user can use any browser he wish. This is freedom.

(2) Closed protocols

No one should have the right to make me "hostage" of their software
systems by hidding way their programs are communictating. If me, as a user
I own a Linux computer and a Windows one, I should be able to interconnect
them in any way I wish, no matter who programmed Linux and who produced
Windows, in the same way I can use two diffrent cars I own or two TV's and
so on.

Protocols are "communication languages" used by programs or devices to
comunicate, in order to provide a service. This service can be e-mail,
web, accessing filesystems etc. Protocols (or standards) are in every
program and in every device.

For example, because of Microsoft monopoly, I'm not able to read MY OWN
data stored on a Microsoft filesystem from a Linux operating system, if I
have both of them installed and I run Linux. This is happens because
Microsoft is interested to lock up their users by preventing them to use a
diffrent operating system. And this is not normal, since their programs
should do WHAT I NEED, not what Microsoft NEEDS.

The same is for communication protocols. If they build a mail server like
Exchange, then if I own a copy of Exchange I should be able to use ANY
client program to access it, not only Microsoft programs.

Thus, like for file formats, all major protocols should have
specifications freely available, so other programmers be able to build
their own programs to intercommunicate with the existing one.

One example is Microsoft SMB protocol used to sharing files between
computers in a local network. They lock up this protocol so only windows
computer can share files, computers with other operating systems being
unable to join in sharing files. They kept hidden the specification and
change them over time so other operating systems cannot do the same. But
me, as USER, I HAVE ALL RIGHT to share MY FILES between MY OWN COMPUTERS,
no matter what software I'm using. It's my right to do so.

Like we have or or many public standards for TV broadcasting, like we have
Web to share information, like we have driving on right side on the roads,
we should be able to have access to specification of every major protocol
used, so we do not become slaves of one corporation or one organization.

(3) Extension of public protocols

This is a way for companies like Microsoft to transform public protocols
into closed ones, by adding their own closed extension, undocumented. They
motivate this by "addig featured and value to customers". In fact, they

add this extension to justify their behaviour to be the only one to develop programs that use that features.

This is also a danger because public protocols like Web, E-mail or worse, TCP/IP (protocol used all over the Internet to send data between computers), can become property of one single organization. They can impose the adoption of this proprietary extensions by using their monopoly on desktop market with Windows, and by making new versions of Windows the only products that support their extensions and let others alternatives outside.

Since this extensions are subject of technical details, unrelevant for the large public, the market cannot see the danger to adopt this owned standard and this way large numbers of customers become hostages without their knowledge. For example, they can alter the HTTP, protocol used to deliver webpages from server to web browsers, by adding some "features" in away that only their Internet Explorer (currently about 75% of web browsers market) with be able to deal only with their IIS (web server) so every other web browser or web server will be out of game and this way, they will be able to own the web and will control the information that flows through it. Should be freedom to speak controlled by someone?

One bad example could be Microsoft Passport, a software feature build only in Internet Explorer and that can be used only with websites serverd by Microsoft Web Servers (IIS). There is no technical reason for this exclusive behaviour, it's only a "feature" to make peoples using their software only and exclude the others. Me, as programmer, I cannot build or modify a webbroser that use Passport Services, because I don't have specifications of Passport. This force me as user to use Microsoft Internet Explorer to read MY mail on MSN, for example. And this means NO CHOICE, being a way to take control over web.

There is nothing wrong in improving standards, but major standards should always have free specifications available to anyone.


(4) Imposing Microsoft software by using Windows monopoly

First of all, when I'll buy a new computer I should be able to CHOOSE what operating system and applications are incloded or even to CHOOSE to NOT BUY any operating system at all.

Right now, because of Microsoft way to impose deals with computers manufacters, I HAVE NO CHOICE but to buy a Windows version with every new computer, even if I'm planning to use completly diffrent operating systems like Linux, sold buy companies like RedHat.

Why, as customers, I'm forced to pay for something I don't need?

When I buy a new computer, I should be able to choose:
- if I want Windows or other operating system or any operating system at all
- if I want other Microsoft applications that comes with Windows or not, by choosing alternatives (like StarOffice instead of Microsoft Office or by using Netscape instead of Internet Explorer as web browser and so on) or I don't want any application at all

(this should appy to EVERY operating system or application, not only to Microsoft)

Also, not only customers, but every delear of computers should be able to be be free to choose whatever operating systems or applications want to pre-install on computers he sell. Also, customers should be able to accept or refuse this software offerings when buy a hardware (a computer).

(5) Driving users to Microsoft websites and services

This is another form of locking up customers to Microsoft products and it's derivate on the way they impose their software.

In current situation with forcing users to buy Windows with every computer and using by default only Internet Explorer that drives users only to Microsoft related sites and services like MSN, the real threat is to use this monololy to became a hegemony, by making Microsoft not only control the software we're using in every computer, but also to control what we see and hear.

This way, the George Orwell's 1984 novell has a real chance to hit the reality. What is the difference between a totalitar regime that controls all what we're doing by law and a private, commercial monopoly that control what we're doing via tools (software) we're using? No one, they are the same, a single exclusivistig group controling everything by a method imposed to every one. This is no democracy and no freedom.

Conclusions

(A) From user point of view

(a) Every single user must be able to choose what operating system or application to use (if he want some) when buying a new computer; this require freedom to users and sellers to choose applications to install on new computers

(b) Every single user must be able to switch applications and keep using the same documents as before or be able to convert them; this require freely available specifications for data formats (files, filesystems)

(c) Every single user must be able to use any operating system or program he want, in order to deal with other operating systems or applications that offer services (local, on a network or over the Internet); this require freely available specifications to all major protocols that are parts of the core services of the Internet

(B) From sofware companies point of view

(a) Every program must be able to use user's data made with other programs and be able to intercommunicate with other programs, so programs (and vendors) compete on feature and support level, not on lock-in "improvements" and "innovations"; this require open specifications for file formats and protocols

(b) Every software vendor should e able to make deals with hardware manufacturers, without being slaves of one single central software vendor that controls the markets and our lives; this require to avoid exclusive deals made by Microsoft that exclude others players to compete

(C) From goverment point of view

(a) Maybe it is a good idea to create an Agency that regulate IT markets in the same way as for Stock Exchange or other markets; this way, the competition will have a neutral referee, not like today when one player is also referre in the game

(b) Anti-trust law should specify that companies that own a certain ammount of market share should be prohibited to use particular business methods like exclusive distribution of their products, in order to let smaller companies to compete. Each situation like this should be mentions in anti-trust law and supervised by an Agency (maybe the same as for (C.a)

(c) Major (most common wide used) data formats and protocols should be put under the development of independent non-profit organizations (like W3C for web) that manage their evolution. Anti-trust law should specify when a certain data format or protocol become wide used and in what condition the company that originally develop it should put its specifications under independent organization management. An Agency shoud take care this to be respected.

(d) The anti-trust law should impose software vendors to conform to

public specifications and an Agency (the same as for C.a) should
take measures according to this law to assure all programs and services
are using this common open protocols.

These proposals (on point C) should help to prevent situation like this,
when a single company tries to control all IT world using it's monopoly
on user desktop market, threatening our freedom.


Thank you for patience to reading this,
  Radu Filip


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Radu Filip

radu@wmw.com              System Administrator @ World Market Watch, Inc.
                http://www.wmw.com/